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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,026	08/27/2001	Lane W. Lee	M-12041 US	4898

7590 11/16/2004
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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 11/16/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,026

Applicant(s)

LEE ET AL.

Examiner

Kaveh Abrishamkar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on August 27, 2001.

Claims 1 – 23 were received for consideration. No preliminary amendments regarding the claims were received. Claims 1 – 23 are currently under consideration.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurtado et al. (U.S. Pub. No. 2003/0105718).

Regarding claim 1, Hurtado discloses:

A method of authenticating a device, the method comprising:

receiving a certificate from the device, the certificate including a plurality of fields, including a field holding a digital signature from a certifying authority

(Figures 1 – 6, paragraphs 205 – 213);

verifying the digital signatures in the certificate, the verifying including at least one of:

verifying the certifying authority digital signature using the certifying authority public key (Figures 1 – 6, paragraphs 205 – 209); and

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verifying a device digital signature using a device public key (Figure 1 – 6, paragraphs 303 – 324); and

receiving validation data from a source, the validation data identifying one or more data in the certificate as valid or invalid according to predetermined criteria (Figures 1 – 6, paragraph 181, paragraph 185, paragraphs 206 – 215); and

if the digital signatures are verified and validated, transmitting a session key to the device to establish a secure communication channel (Figures 1 – 6, paragraph 181, paragraph 185, paragraphs 206 – 215).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the source is one of a portable medium and firmware (Figure 1 – 6, paragraph 181, paragraph 185, paragraphs 206 – 215).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the device is one of an engine, a device that embeds an engine, a third party digital rights management protocol, an application running in an open computing environment, and a clearinghouse server, the certificate identifying one or more secure application programming

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interfaces (APIs) for which an application operable with the device may have access (Figure 1 – 6, paragraphs 180 – 185, paragraphs 377 – 390).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the certificate is digitally signed by a private key assigned according to a class of device, the class of device including engines, device devices embedding an engine with no external digital input/output port, device devices embedding an engine with digital input/output ports, device applications not embedding an engine, third party digital rights management protocols, and clearinghouse servers (paragraph 229).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the certifying of the device includes certifying a second host for a host to second host secure communication channel, the certifying allowing a copy function between the host and the second host (paragraph 246 – 249).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

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The method of claim 1 wherein the data in the certificate specifies one or more of a product category, a product line, a model, a revision and a serial number of the device (paragraph 457).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the certificate includes one or more of a certifying authority identifier field, a version field, a sign key identifier field, an exposed methods field, a company field, a model identifier field, a revision field, a metadata identifier field, a device digital signature key field, a certifying authority digital signature field, a serial number field, a protocol public key field and a device digital signature field, wherein the certifying authority digital signature verifies one or more of the fields in the certificate and the device digital signature verifies one or more of the fields in the certificate (paragraph 229, 251, 293).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the certificate enables an entity receiving the certificate to control the quality of the device by invalidating devices that are false or have latent defects (Figures 6 – 10, paragraph 457).

Claim 13 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

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The method of claim 1 wherein the certificate specifies one or more certificate classes, the certificate classes providing a set of methods that may be exposed after the transmitting the session key (paragraphs 880 – 884).

Claim 16 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein each of the fields holds 326-bit values for 163-bit elliptic curve cryptography (paragraph 52, paragraphs 193-197, paragraphs 248-256).

Claim 17 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the certifying authority public key is referenced by a field of the certificate (pages 18 – 23).

Claim 18 is rejected as applied above in rejecting claim 1. Furthermore, Hurtado discloses:

The method of claim 1 wherein the certifying authority public key is in the firmware component.(Figures 1 – 6, paragraph 181, paragraph 185, paragraphs 206 – 215).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Hurtado discloses:

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The method of claim 6 wherein the source validation data is compared with the data in the certificate to identify as invalid one or more of the product category, the product line, the model, the revision and the serial number of the device (paragraphs 462 – 463).

Claim 10 is rejected as applied above in rejecting claim 6. Furthermore, Hurtado discloses:

The method of claim 6 wherein the certificate further includes fields provided by a device manufacturer, including the company public key, wherein the company public key is digitally signed by the certifying authority (pages 18 – 23).

Claim 11 is rejected as applied above in rejecting claim 6. Furthermore, Hurtado discloses:

The method of claim 6 wherein the certificate further includes fields provided by a device manufacturer, the fields including the device public key, wherein the device public key is digitally signed by the company (pages 18 – 23).

Claim 12 is rejected as applied above in rejecting claim 6. Furthermore, Hurtado discloses:

The method of claim 6 wherein one or more of the product category, the product line, the model, the revision and the serial number of the device are

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provided to a certificate creator after the device passes a qualification procedure (paragraph 457).

Claim 14 is rejected as applied above in rejecting claim 13. Furthermore,

Hurtado discloses:

The method of claim 13 wherein the set of methods includes digital rights management (DRM) methods include one or more of a copy method, a record method, a play method, a read secure metadata method, a write secure metadata method, and an unlock method, the DRM methods operable according to a type of the device (paragraph 10).

Claim 15 is rejected as applied above in rejecting claim 14. Furthermore,

Hurtado discloses:

The method of claim 14 wherein:

the unlock method is associated with a clearinghouse server (Figures 1 – 6, paragraphs 180 – 185) ;

the copy method is associated with one of an engine and a first DRM application operable with a second DRM application (Figures 1 – 6, paragraphs 246 - 255); and

the record method is associated with one or more of a player, a mastering tool, a kiosk, and a clearinghouse server (Figures 1 – 6, paragraphs 246 - 255).

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Claims 19 – 23 are directed to an apparatus, a computer engine, and a computer medium of the above claimed invention and are rejected as above.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
11/12/04


EMMANUEL L. MOISE
PRIMARY EXAMINER